

RESOLUTION NO. 91-6
ALCOHOL AND SUBSTANCE ABUSE POLICY
FOR
CITY OF REXBURG, IDAHO, EMPLOYEES
October 2, 1991

BE IT RESOLVED BY THE MAYOR AND CITY CLERK OF THE CITY OF REXBURG, IDAHO, AS FOLLOWS:

As an employer, the City is required to adhere to various federal, state and local laws and regulations regarding alcohol and substance use.

The City also has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of a substance or alcohol on the job presents serious safety and health risks to the user and also to all working with the user. The possession, use or sale of a controlled substance which may alter mental and physical abilities or the use of alcohol in the workplace also presents an unacceptable risk of safe, healthful and efficient operations.

Within the legal framework and with these basic objectives in mind, the City has established the following policy with regard to use, possession, or sale of alcohol or controlled substances that may alter mental and/or physical abilities.

SELF-INITIATED ASSISTANCE

The objective of the City in this policy is to ensure a safe, productive work environment for everyone. Further, it is the City's desire to help any employee who has a substance abuse problem to resolve that problem before they are found in violation of this policy.

Professional assistance for resolving employee alcohol or substance abuse problems is available through the City's medical insurance program. Requests for such help may be made through the department manager or the city clerk's office. Requests for this assistance will be treated confidentially and the employee will be directed to professional organizations that can provide in-patient and post-treatment care.

I. PRE-EMPLOYMENT SCREENING

The City may authorize the use of drug screening tests and other inquiries designed to prevent hiring individuals whose use of behavioral altering substance or alcohol indicates a potential for impaired or unsafe job performance.

Individuals who can demonstrate successful completion of an alcohol or substance rehabilitation program shall not be adversely affected by these inquiries.

II. ON-THE-JOB USE OF ALCOHOL, OR POSSESSION, OR SALE OF ILLEGAL DRUGS

A. Alcohol

Consumption of alcohol by any employee while on duty is prohibited. Consumption of alcohol in a City facility or on City premises is prohibited unless consumed at a private or public function, or as authorized by a catering permit issued by the City of Rexburg. Consumption of alcohol in a City vehicle is prohibited and also a violation of the law.

B. Illegal Controlled Substances

Possession, consumption, manufacture and distribution of illegal, controlled substances

by any employee while on city property is prohibited. Any employee convicted of any criminal drug statute shall notify his supervisor of said conviction within five days. Conviction of a violation of local, state or federal offense involving the use, sale, purchase, transfer, or possession of an illegal controlled substance by any employee shall result in disciplinary action.

When a supervisor has reasonable grounds to believe that an employee is in possession of, selling or transferring illegal controlled substances, the police shall be notified.

C. Legal Drugs and Medication

Employees who may be required to operate vehicles, equipment, or machinery as a part of their employment responsibility should exercise extreme caution in the use of medication which may induce drowsiness, dizziness, or other side effects that could impair the employee's ability to function efficiently. Employees are encouraged to discuss such situations with their supervisors prior to engaging in such work activities.

POLICY IMPLEMENTATION

III. PROCEDURES FOR MANAGEMENT, SUPERVISORS, AND EMPLOYEES

When a supervisor has reasonable grounds to believe that an employee is in violation of this policy, the supervisor shall immediately consult with the personnel commission or the mayor to determine further action.

If an employee believes another employee is under the influence of an illegal substance or alcohol while on duty, he/she shall discuss the matter with his/her immediate supervisor. It shall be the supervisor's responsibility to take appropriate action.

If the employee appears to be under the influence of an illegal controlled substance or alcohol, or such are in the employee's possession while on duty, immediate action is required. When this is the situation, the supervisor should do the following:

A. Under the influence of alcohol

The supervisor should confront the employee with the suspicion in a private setting. It is appropriate in this non-criminal context to confirm alcohol presence with a breathalyzer exam. This can be arranged by contacting the Rexburg Police Department supervisor on duty. Arrangements for transportation to the evaluation site shall be made by the employees' supervisor.

If the employee refuses to be evaluated, arrangements shall be made for the employee to be transported home. The employee shall not be allowed to drive a City vehicle home.

Any employee who is determined to be under the influence of alcohol while on the job shall be subject to disciplinary action.

B. Use, possession, or sale of illegal substances that an employee is under the influence of an illegal substance while on duty, the employee should be confronted by the supervisor in a private setting. If in the judgment of the supervisor, the employee's condition is potentially hazardous to the safety of any individual, the supervisor may relieve the employee of such responsibilities as are necessary to protect the safety of those individuals. The supervisor shall notify the police of any possible violation of the law.

Management and supervisors are to restrict conversations concerning possible violations of this policy to persons participating in the evaluation, investigation or disciplinary action. Further investigation shall be at the discretion of the police department.

IV. ALCOHOL OR DRUG-RELATED TRAFFIC INFRACTIONS ON OR OFF

THE JOB

It is the duty of any employee who is required to drive as part of his/her assigned duties or job specification to report to his/her supervisor any alcohol or drug related traffic violation.

Every employee required to drive as part of their assigned duties or job description shall annually certify that he/she has a valid driver's license. It shall be the employee's duty to report any restrictions imposed by law on the employee's driving privilege.

V. NONCOMPLIANCE BY THE EMPLOYEE

Supervisors are not to use force in seeking compliance with an order. The supervisor will explain to the employee that noncompliance is a refusal to obey an order of a supervisor and subjects employee to discipline up to and including dismissal.

VI. RIGHT OF APPEAL

Employees disciplined for violations of this policy shall have the right of appeal through the appropriate procedures outlined in the City's Personnel Policy.

VII . CONTRACT PERSONNEL OR VOLUNTEER PERSONNEL

These policy provisions are applicable to contract or volunteer personnel. Violations of these provisions or refusal to cooperate with implementation of the policy can result in the City's barring contract personnel from City facilities or participating in City operations.

VIII. POLICY ACKNOWLEDGMENT

A copy of the City's Substance and Alcohol Policy shall be given to each employee with each employee acknowledging in writing receipt of the policy.

The purchasing agent shall inform all contractors performing work for the City about the applicable policy provisions and provide a copy of this policy to such contractors. Certain other enforcement actions may be necessary

DATED this 2nd day of October, 1991.

Nile L. Boyle, Mayor

ATTEST:

Rose Bagley, City Clerk

CONSENT TO PHYSICAL EXAMINATION AND DRUG SCREEN

The undersigned has applied for employment with the Rexburg Police Department and acknowledges that as a precondition to employment the applicant must pass a physical examination and a drug screen for prior ingestion of controlled substances. The undersigned hereby consents to said physical examination and drug screen and that the results thereof may be used by the Rexburg Police Department to make a determination of eligibility for employment.

DATED this ____ DAY OF _____, 19__.

Applicant

EMPLOYMENT AND BACKGROUND INVESTIGATION RELEASE

"I voluntarily give the City of Rexburg, Idaho, the right to make a thorough investigation of my past employment and activities including background local and state police record checks. I agree to cooperate in such investigation, and release from all liability or responsibility all persons, companies, corporations and law enforcement agencies supplying such information."

DATED this _____ day of _____, 19 ____.

Prospective Employee